

Exhibit 1

1 VOLUME 1
2 PAGES 1 - 55
3 EXHIBITS (None)

4 IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
5 TRIAL DIVISION

6 PRINCE GEORGE CENTER, INC.,)
7 On Behalf of Itself and All)
8 Others Similarly Situated,)
9 Plaintiff)
10) Civil Action
11 v.) No. 5388
12)
13 UNITED STATES GYPSUM CO.,)
14 et al.,)
15 Defendants)

16 DEPOSITION of STEPHEN H. AHERN, taken
17 on behalf of the Plaintiff, pursuant to the
18 applicable provisions of the Pennsylvania Rules of
19 Civil Procedure, before Janis T. Tracy, Registered
20 Professional Reporter and Notary Public in and for
21 the Commonwealth of Massachusetts, at the offices
22 of Casner & Edwards, One Federal Street, Boston,
23 Massachusetts, on Friday, February 26, 1993,
24 commencing at 9:45 a.m.

18 PRESENT:

19 Speights & Runyan
20 Daniel A. Speights, Esq.
21 304 Lee Avenue
22 P.O. Box 685
23 Hampton, South Carolina 29924
24 for the Plaintiff

23 FRITZ & SHEEHAN ASSOCIATES, INC.
24 295 Devonshire Street, Boston, MA 02110
(617) 423-0500

FRITZ & SHEEHAN ASSOCIATES, INC.

1 Friday, February 26, 1993

2 PROCEEDINGS (9:45 a.m.)

3 STEPHEN H. AHERN,

4 a witness called for examination by counsel for the

5 Plaintiff, being first duly sworn, was examined and

6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. SPEIGHTS:

9 Q. Would you state your full name for the

10 record, please, sir.

11 A. Stephen H. Ahern.

12 Q. Mr. Ahern, you are a lawyer employed by

13 W.R. Grace?

14 A. Yes, I am.

15 Q. When did you go to work for W.R. Grace?

16 A. In July of 1981.

17 Q. When you went to work for W.R. Grace, did

18 you have responsibilities for asbestos-related

19 matters?

20 A. Asbestos litigation, I did, yes.

21 Q. Describe to me generally what your

22 responsibilities were when you went to work for

23 Grace, relating to asbestos.

24 A. My responsibilities were to coordinate

FRITZ & SHEEHAN ASSOCIATES, INC.

1 10, 1982, you prepared a memorandum concerning
2 maintenance of certain Grace records. Is that
3 correct?

4 MR. JONES: I'm going to object to
5 the question based on the fact that it involves a
6 privileged memorandum.

7 If you don't mind, I'll ask for a
8 continuing objection in this line on the grounds of
9 privilege, the fact that the documents to which
10 you're referring and their contents are privileged,
11 and that you should not be allowed to use the
12 fruits of other litigations where you've been given
13 access without waiver in this litigation.

14 That being said, I'll allow him to
15 answer the questions, subject to my objection.

16 A. I don't recall the precise date, but I do
17 recall a memorandum of that tenor.

18 Q. Do you recall it being in August of 1982?

19 A. Yes, I do.

20 Q. Now, I'm interested in questioning you
21 first this morning about the period from July 1981
22 until you issued that memorandum in August of 1982.
23 During that period of time, were you involved in
24 the collection, grouping or assembly of any

FRITZ & SHEEHAN ASSOCIATES, INC.

1 asbestos-related documents or potential asbestos-
2 related documents?

3 MR. JONES: May I hear the question?

4 (Record read)

5 MR. JONES: Object to the form. You
6 can answer.

7 A. I was involved in responding to discovery
8 requests in cases, and did review documents and
9 collect documents in connection with the discovery
10 in those cases.

11 Q. From what location or locations did you
12 get documents which you reviewed and/or collected
13 for those purposes during that period of time?

14 A. I don't recall specifically. I know that
15 documents were reviewed, or documents in Cambridge
16 were consulted for that purpose.

17 MR. JONES: Excuse me one second.

18 (Discussion off the record)

19 MR. JONES: Go ahead. Thank you.

20 Q. Did anybody assist you during this period
21 of time in reviewing or collecting documents for
22 the asbestos cases?

23 MR. JONES: This is up to August '82?

24 MR. SPEIGHTS: That is the period.

FRITZ & SHEEHAN ASSOCIATES, INC.

1 A. I don't recall how we would have filed
2 them at that time.

3 Q. If today the court invited you to
4 determine whether you had a copy of those documents
5 produced to me in 1982, where would you go to try
6 to make that determination?

7 A. Again, documents of that nature in my
8 office would have been picked up as part of the
9 document review that went on in Cambridge under the
10 direction of Mr. Murphy at Casner & Edwards, and I
11 would go to Mr. Murphy and ask him whether there's
12 any way of finding those particular documents.

13 Q. Let me move forward somewhat.

14 I've taken Mr. Murphy's deposition in
15 this case with the same counsel present; I'm sure
16 they will correct me if I misstate what Mr. Murphy
17 said. My recollection is that he testified that
18 you had culled 2,000 boxes of documents from 6,000
19 boxes of documents, approximately, for review by
20 Casner & Edwards. Is that your recollection?

21 A. Culled boxes?

22 Q. Yes, or at least identified 2,000 boxes
23 from 6,000 boxes, both being approximate numbers,
24 for the Casner & Edwards review.

FRITZ & SHEEHAN ASSOCIATES, INC.

1 A. I don't recall. As stated that way, I
2 don't recall having identified boxes for review by
3 Casner & Edwards.

4 Q. Do you recall there being some 6,000
5 boxes in the basement, or at Cambridge?

6 A. I don't have a present memory right now
7 of the number of boxes that were in Cambridge. I
8 do recall, however, the number 6,000 boxes being
9 referred to as the proper number of boxes that were
10 in Cambridge.

11 Q. Now, were you involved in identifying or
12 suggesting which of those 6,000 boxes Casner &
13 Edwards should review?

14 A. At some point in time in either 1982 or
15 1983, before Casner & Edwards began to review
16 documents, I and, I believe, Mary Phaneuf and
17 possibly a third individual who I can't recall at
18 this time --

19 MR. JONES: We need a spelling on
20 "Phaneuf" for the reporter.

21 THE WITNESS: P-h-a-n-e-u-f.

22 A. -- reviewed a card catalogue that was
23 located in the basement of Cambridge, and the
24 purpose of doing that was -- there were several

FRITZ & SHEEHAN ASSOCIATES, INC.